

Message

From: Ramalho, Louis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F5EC3325BE640FEA8E4CD98387B9710-LRAMALHO]
Sent: 6/24/2019 3:01:49 PM
To: Tim Miller [tmiller@nationalpremiumbeer.com]
CC: Toffel, Melissa [Toffel.Melissa@epa.gov]
Subject: RE: EPA Follow-up Questions
Attachments: EastonPoint.CivilPenalty.pdf; Corporate Financial Statement.pdf

Dear Mr. Miller: I hope all is well with you and your family. As a follow-up to our conference call, EPA has reviewed all the additional documentation you provided to Melissa, and based on the documentation or the lack thereof, attached please find the proposed civil penalty for your facility as result of lack of compliance with the RCRA I regulatory program for underground storage tanks.

EPA can offer up to 20% reduction of the proposed civil penalty for purposes of settlement. As a result, for purposes of settlement, EPA is offering to settle with your company for \$111,186. However, if this proposed settlement amount poses a financial hardship to your company, EPA can settle for a lesser amount provided you send us signed corporate tax returns for the past 3 years (2017, 2018, and 2019) including all schedules and the attached corporate debtor form prepared and signed by the corporations' accountant. Once EPA receives this financial information, an EPA financial analyst will determine to what extent, if any, your company can pay the proposed settlement amount of \$111,186.

Any settlement will require the parties to enter into a consensual agreement called a Consent Agreement and Final Order. However, EPA cannot settle unless the underground storage tanks are back into compliance. Below, please find a message from Melissa Toffel send to you on May 30, 2019. EPA still needs proof that these tests were performed as required by law before EPA can enter into a Consent Agreement and Final Order in settlement of this matter.

If you intend to claim inability to pay the proposed penalty, please provide EPA with the necessary financial information within the next 20 days so that EPA may evaluate such information. In the interim, please provide us with the test results requested below. If you have any question or require further information, please feel free to call me at (215) 814-2681 or reply to this email.

Sincerely,

Louis Ramalho
Sr. Assistant Regional Counsel

From: Toffel, Melissa
Sent: Thursday, May 30, 2019 1:40 PM
To: Tim Miller <tmiller@nationalpremiumbeer.com>
Cc: Ramalho, Louis <Ramalho.Louis@epa.gov>
Subject: EPA Follow-up Questions

Hi Tim,

I've been going through and reviewing the documentation you sent. According to records I have, line leak detector and line tightness testing was due by 3/23/19 (you provided testing records dated 3/23/18). Has this testing been performed? If so, can you send me those records? And if it hasn't been done, is it scheduled?

Thanks in advance,

Melissa Toffel, U.S. EPA Region III

*Enforcement & Compliance Assurance Division
Air, RCRA & Toxics Branch
1650 Arch Street (Mail Code 3ED22)
Philadelphia, PA 19103
P: 215-814-2060
F: 215-814-3163*

